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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

QUESTION OF EAST TIMOR

Note verbale dated 20 June 1994 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General

1. With reference to the note of the Secretary-General dated 29 March 1994 (TR 100 (2) GEN), the Permanent Representative of Portugal to the United Nations has the honour to call his attention to the information provided by the Mission in its note verbale dated 5 April 1993 (A/48/130), as required by Article 73 e of the Charter of the United Nations, the terms of which remain valid.

2. Since the Government of Portugal continues to be prevented de facto from exercising its responsibilities for the administration of the territory of East Timor, owing to the latter's illegal occupation by a third country thus preventing its people from exercising freely their right to self-determination, it remains unable to provide information concerning that territory under Article 73 e of the Charter. Nevertheless, the Government of Portugal would like to draw attention to the following.

3. Regarding the situation prevailing in the territory, in general, no significant improvement has been reported in spite of all the pledges made by the Indonesian authorities. Reports coming from different sources, including information regarding the action taken by Special Rapporteurs and Working Groups of the Commission on Human Rights concerning East Timor (documents E/CN.4/1994/7, E/CN.4/1994/26, E/CN.4/1994/27 and E/CN.4/1994/31), statements by Monsignor Belo, the apostolic administrator of Dili, and, very recently, assessments made by a party of 26 international journalists who were invited to

* A/49/50/Rev.1.

visit the territory by the occupation's authorities, converge in denouncing a situation that still justifies the gravest concern of the international community.

4. Moreover, the trial process of the imprisoned East Timorese leader, Xanana Gusmão, captured in Dili on 20 November 1992, besides its illegitimacy, was carried out with no guarantees of impartiality and objectivity and in disregard not only of the principles of the Charter of the United Nations and of international law, but also of the safeguards provided by Indonesia's own procedure penal law. It appears, therefore, that the reduction of Xanana Gusmão's prison term from life imprisonment to 20 years was an inappropriate response by Indonesian authorities to harsh international criticism over a trial considered to be a travesty of justice. Mr. Gusmão has lately denounced the unfairness of his trial, asked for a re-trial in an international court and expressed his wish to consult with lawyers of the Indonesian Legal Aid Institute (LBH). However, Indonesia continues to prevent Xanana Gusmão from meeting LBH lawyers.

5. During its last session, in August 1993, the Subcommission on the Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, adopted resolution 1993/12, entitled "Situation in East Timor", in which, once again, deep concern was expressed over the reports of continuing human rights violations in East Timor.

Subsequently, the United Nations Commission on Human Rights, at its fiftieth session (February-March 1994), having before it a report of the Secretary-General pursuant to the resolution of the previous session (E/CN.4/1994/61), adopted by consensus a Chairman's statement on the human rights situation in East Timor, which contains important provisions that could lead to an effective improvement of the prevailing situation in that territory, if duly implemented.

By that statement, the Commission, inter alia, calls for an investigation into the fate of the East Timorese who are still unaccounted for as a result of the 12 November 1991 killings and into the circumstances surrounding that event, which were never clarified; for the taking of measures aimed at an early release of those convicted; for greater access to the territory; and for increased cooperation by Indonesia with the Commission on Human Rights and its subsidiary organs, consisting namely in the forthcoming visit to East Timor, in June 1994, by the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions and the invitations to be extended to other relevant thematic special rapporteurs and/or working groups to visit the territory when necessary for the fulfilment of their duties.

6. The Secretary-General held a fourth round of talks at Geneva on 6 May 1994 with the Foreign Ministers of Portugal and Indonesia, in the context of the ongoing efforts under his auspices to seek a just, comprehensive and internationally acceptable settlement to the question of East Timor.

7. At the end of that meeting a statement was issued containing important dispositions in relation to the implementation of the recommendations contained in the Chairman's statement on the human rights situation in East Timor, adopted

last March by the Human Rights Commission at Geneva, as well as to the efforts to be undertaken by the Secretary-General of the United Nations with a view to facilitating an all-inclusive intra-Timorese dialogue as an important contribution to his endeavours. In that context, both Ministers agreed to meet with leading East Timorese supporters and opponents of integration, respectively.

8. In addition to those reports, a number of official United Nations documents have been circulated regarding the situation prevailing in East Timor. It would be worth recalling here those documents and their references:

(a) Note verbale dated 21 May 1993 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/48/175-S/25819);

(b) Letter dated 28 July 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/48/282).

9. The Permanent Representative of Portugal to the United Nations has the honour to request that the present note verbale be circulated as an official document of the General Assembly under items 83 and 88 of the preliminary list.